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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,645	09/28/2005	Christopher Davies	UDL-125	7552
36822 7590 06/25/2008 GORDON & JACOBSON, P.C. 60 LONG RIDGE ROAD SUITE 407 STAMFORD, CT 06902				
EXAMINER				
PATEL, VINOD D				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
06/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/522,645

**Applicant(s)**

DAVIES ET AL.

**Examiner**

VINOD D. PATEL

**Art Unit**

3742

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 7/28/05

***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-11, drawn to a device for heating a windshield.

Group II, claim(s) 12-16, drawn to a method for heating and repairing a windshield.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The common technical feature of the two groups consists of a device comprising a mounting arrangement to mount onto a windscreen, a port enabling the viewing of a target zone of the windscreen, and a heater element near the port. This technical feature does not define over the prior art as evidenced by Dotson (PN 5104304). Due to a lack of a **special** technical feature common to the two groups they are subject to restriction.

3. During a telephone conversation with Applicant a provisional election was made without traverse to prosecute the invention of Group I, claims 1-11 according to Galen Hauth of A.U. 4111. Affirmation of this election must be made by applicant in replying to this Office action. Claim 12-16 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "the region" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-2 and 4-11 are rejected under 35 U.S.C. 102(b) as anticipated by Dotson (US5104304) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Werner et al. (US5156853).

With respect to claim 1, Dotson discloses a windscreen heater device (Fig. 1-6) comprising: a mounting arrangement for mounting the heater device relative to the windscreen; a port (13a, 14a) enabling viewing of a target zone of the windscreen; and a heater element (40, 41) positioned in a region of the port (13a, 14a).

If applicant disagree with a port (13a, 14a), Werner et al. discloses a windshield repair apparatus (10), (column 2, lines 43-49), " Specifically, the device comprises a

fixture with a flange having a central opening that surrounds the break. The fixture is secured to the windshield surface. The resin channel leading to the central opening of the flange is oriented in a manner to permit visual inspection of the break, prior to fixing the flange in position and during the injection of resin, for ease of repair."

It would have been obvious to one of ordinary skill in the art at the time of invention to provide a port in order to permit visual inspection of the break as taught by Werner et al. for the windscreen heater device of Dotson.

With respect to claim 2, Dotson discloses, the heater element (40, 41) extends peripherally of the port (13a, 14a).

With respect to claim 4, Dotson discloses the heater element (41) comprises an electrical resistance heating element (column 3, line 31-32, column 1, line 50-54)).

With respect to claim 5, Dotson discloses the heater element (40, 41) held in contact with windscreen via an injector (17, 18).

With respect to claim 6, Dotson discloses windscreen heater device mounted relative to the screen, the port and heater element can be moved relative to the windscreen (column 3& 4 line 1-53).

With respect to claim 7, Dotson discloses a windscreen heating device mounted relative to the screen, the port and heater element can be moved pivotally over the windscreen (column 3 & 4, line 1-53)

With respect to claim 8, Dotson discloses a windscreen heating wherein the mounting includes three or more points (12, 28, 23, 24) of mounting to the screen.

With respect to claim 9, Dotson discloses a windscreen heating device wherein the mounting means includes one or more sucker cups (12).

With respect to claim 10, Dotson discloses a windscreen heating device including: a first support element (12) having mounting means for mounting to the windscreen; and, a second support element (28) pivotally connected to the first support element and carrying the port and heater element.

With respect to claim 11, Dotson discloses a windscreen heater device wherein the second support element (28) includes mounting means for mounting to the windscreen.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dotson (US5104304) in view Werner et al. (US5156853) and further in view of Provancha et al. (US6242722).

Dotson in view of Werner et al. discloses all the claimed limitations including a heater element (40, 41) but does not disclose an annular heater element.

Provancha et al. discloses an annular heater (10) in order to improve efficiency by matching the geometry of the load (column 1, lines 45-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to provide an annular heater in order to improve efficiency by matching the geometry of the load as taught by Provancha et al. for the windscreen heater device of Dotson.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINOD D. PATEL whose telephone number is (571)272-4785. The examiner can normally be reached on 7.15 A.M. TO 3.45 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinod D. Patel/ 6/11/08  
Examiner, Art Unit 3742  
/TU B HOANG/  
Supervisory Patent Examiner, Art Unit 3742